



New Mexico Corrections Department

Courts, Criminal Justice Committee

August 22, 2013

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Staff Introductions

- Deputy Secretary of Administration - Aurora Sanchez
- Deputy Secretary of Operations - Joe Booker
- General Counsel – Jim Brewster
- Director of Adult Prisons - Jerry Roark
- Deputy Director of Adult Prison Operations - Anthony Romero
- Deputy Director of Adult Prison Administration - Joni Brown
- Acting Director of Probation and Parole Division – Rose Bobchak
- Deputy Director of Corrections Industries – Anna Martinez
- Deputy Director of Administrative Services – Paul Montoya
- Inspector General – Shannon McReynolds
- Administrator of Office of Security Threat Management – Dwayne Santistevan

Department Presentation Agenda

- Policy Changes
- Recidivism Reduction Initiatives
- Solitary Confinement/Vera
- Medical/Mental/Substance Services for Incarcerated Women
- Illegal Drugs in prison/Inmates with Drug Convictions
- Prison Overcrowding
- Prison Population and Staff Vacancies
- Prison Rape Elimination Act
- Tax Changes for Private Prisons
- Strategic Planning
- Cost Benefit Model
- PPD Vacancies and Staff Caseloads
- Senate Bill 65 Update

Policy Changes

- **Lump Sum Awards**
- *Increased meaningful programming based on needs assessment*
- *Inmates will be allowed to complete programming before being transferred .*
- *Awarded upon full and successful completion of programming – not in increments*
- **Classification**
- *NMWCF*
- *1. Combine Level I / II /III*
- *2. Level IV ----- Equivalent to Male Lev III*
- *3. Level V & Level VI (combined)*
- *4. Minimum / Medium / Maximum Levels will be in place*
- *PNM / NENMDF*
- *High Risk offenders (Inactive gang members)*
- *1. Level III - Tier II (Isolated Unit)*
- *2. All Privileges as all other Level III's offenders*
- *3. Transfer to new facility – additional facility unit to be populated as need increases*

Policy Changes

- **Special Management**
- *Create/Modify level system*
- *Level IV – Tier I (active gang members) Tier II (behavioral problems)*
- *Level V & VI (15 month programming).*
- *Level IV – Tier 1 (Increased Privileges and Programming)*
- *Level IV – Tier 2(regularly scored as Level IV offenders – No changes)*
- *Level V & VI (Primarily predatory Offenders)*
- *(More Interactive programming)*
- *Establishment of Mental Health Level VI at PNM (APA move)*
- **Other Significant Changes**
- *Hospice & Assisted Care Program*
- *Inmate Watch Program- for MH watches*
- *Disciplinary Policy- No inmate legal reps*
- *Canteen- Fair Market Value not 15% mark-up*
- *Inmate Correspondence- No inmate to inmate mail unless immediate family member*
- *Medical Co-Pay- \$3- does not include chronic, emergency care,- no care denied to those without funds.*

Recidivism Reduction Initiatives

- Greenhouse Program – CNMCF
- Yoga – CNMCF
- Sustainability – LCCF
- Healing Hearts Dog Rescue – NMWCF
- Unifying Moms and Children – NMWCF
 - Parenting Classes
 - Overnight Visits
- Dress for Success – NMWCF
- Community Reintegration – OCCF and PNM
- Inmate Canteen – PNM
- Old Main Museum - PNM
- Inmate Rodeo – PNM
- Malachi Men – PNM
- Seminary - PNM
- Building Maintenance – PNM
- Automotive and Welding – SNMCF
- Joni and Friends – Wheels for the World – SNMCF
- Automotive & HVAC – SCC
- Culinary Arts – SCC
- Cowboy Up! – SCC
- RDAP – All Facilities
- Cognitive Behavioral Therapy – All Facilities

Solitary Confinement

- 16% (1,047 inmates) of NMCD's inmate population resides in solitary confinement
- Long-term isolation can create or exacerbate serious mental health problems and assaultive or antisocial behavior, decrease institutional safety, and increase the risk of recidivism after release.
- The Vera Institute visited **4** facilities and provided recommendations for segregation, disciplinary sentences, programs to transition out of segregation, improve confinement conditions, and track effects of moving inmates out of segregation

Vera Findings/Strengths Acknowledged

- Recommendation
 - Protective custody housing opportunities and the need for more programming opportunities for segregated inmates.
- Strengths
 - New Senior Executive Team with new vision requested assessment
 - New Unit Management Team Structure
 - Good Centralization of Administrative Segregation referral process
 - Senior Facility Staff reported they were encouraged by Unit Management Team Approach
 - State Penitentiary (Santa Fe) and Lea County Correctional Facility (Hobbs) units were extremely quiet and clean and seemed safe
 - Use of Lea County Correctional Facility for Protective Custody Housing apparent success in integrating mixed prisoners

NMCD Changes Based on Vera

- NMCD Changes:
 - Established a special general population for our Ex-Law Enforcement and Sex Offenders
 - Entered into a contact with Otero County to house 288 Sex Offenders and Ex-Law Enforcement in a general population setting.
 - Changed focus of segregation placements by placing our predators and influential leaders in our maximum security beds thus reducing our protective custody population.
 - Established the Restoration Into Population Program (RIPP) at our maximum security prison (PNM).
 - RIPP is meant to reintegrate former gang members back into a general population controlled setting who are currently housed in maximum security.
 - In the process of shutting down 48 APA segregation beds at CNMCF (Los Lunas)
 - Moving maximum security behavioral health inmates to PNM maximum security (Santa Fe).
 - Managing Offender Change through Introduction of new programming to higher custody levels such as Joni and Friends, higher education classes
 - Developing Pre-Release programming for Level VI population (maximum security) to better assist them with transitioning back into our communities

Medical Services for Incarcerated Women

- Medical Services are provided from intake screening and examination through release.
- Services include physical exams, laboratory services including testing for infectious and sexual transmitted diseases, eye and dental exams, access to diagnostic and specialty care in the community.
- All inmates have access to care through written sick call requests, chronic clinic follow ups, annual exams, and by referral of staff members.
- Over 55 % of the female populations receive regular follow ups for chronic diseases.
- All women receive a pregnancy test on intake.
- Pregnant women receive regular prenatal care by an offsite obstetrician.
- Uncomplicated births take place in the local community hospital in Grants, NM.
- Women with high risk pregnancies are referred for specialty care to the University of New Mexico Hospital.

Mental Health for Incarcerated Women

- Over 60% of women are prescribed psychotropic medication and receive mental health and/or psychiatric services.
- Mental Health Services are provided at intake, mental health and substance dependence screening are conducted during the intake process.
- Screening includes identification of suicide potential, psychotropic medication history and possible referral to psychiatric services.
- Mental Health treatment is available during incarceration through regular clinic appointments, inmate requests for mental health, and staff referral.
- NMWCF has special observation cells for women who are at risk for self-harm or harm to others.
- Admission to community psychiatric hospitalization is available.
- A 10 bed therapeutic unit is available for women with mental health issues, with provides a six month cognitive behavioral program.
- Other therapeutic outpatient groups are available; Dealing with Feelings, Grief and Loss, Trauma Survivors, Anger Management, Codependence, Life after Release, Attachment for Healing Heart (related the Dog Training Program), Elders Group , Social Skills , Dual Diagnosis and Dialectical Behavioral Therapy.

Substance Abuse Treatment for Incarcerated Women

- A nine month intensive Residential Drug Treatment Program (RDAP) for women seeking treatment for addictions.
- Outpatient substance misuse classes are provided on an ongoing basis several times a year.
- AA meetings are available to all women provided by community volunteers.
- A 100 hour outpatient dual diagnosis substance abuse group, including relapse prevention is offered.

Illegal Drugs

- Biggest threat within our prisons is Suboxone.
- Daily introduction daily through legal and inmate mail, or through inmate visitation.
- The drug is difficult to combat because it is cheap and readily available and has a high resale value in the prison.
- Using ION Scan at front entrances to detect and test for narcotics on skin and clothing.
- All inmate mail and legal mail is scanned daily by our mailroom staff and Security Threat Intelligence Unit.
- Random monthly urinalysis test on all our inmate population.
- Using K-9s to assist with narcotics interdiction, security patrol, fugitive tracking and cell extraction

Inmates with Drug Sentence

- Total Inmates: 5,607
- Total Inmates with Drug Sentence: 1,736
- % Inmates with Drug Sentence: 31%
- Total Inmates with Drug Sentence
and Sentence for Violent Crime: 676
- % Inmates with Drug Sentence
and Sentence for Violent Crime: 12.1%

Prison Overcrowding

- NMCD recognized the need for additional beds especially specific classifications/crimes (sex offenders).
- Contact with MTC, Otero County to house up to 288 Sex Offenders and Ex Law Enforcement at this facility.
- County jails are not a good fit for our long-term population needs
 - Typically do not offer the programming and vocational opportunities needed for prison populations.

Prison Population

Facility	Capacity	November 2011 Count	July 2013 Count	Change
PNM	864	842	837	-5
SNMCF	768	711	638	-73
WNMCF	368	358	340	-18
CNMCF	1,300	1,170	1,179	9
RCC	340	324	305	-19
SCC	296	254	244	-10
WWF	60	38	58	20
NMWCF	606	583	599	16
GCCF	601	551	548	-3
LCCF	1,267	1,089	1,104	15
NENMDF	626	613	571	-42
OCP	342	0	270	270
TOTAL	7,438	6,533	6,693	160

Prison Rape Elimination Act (PREA)

- Audit cycle for PREA scheduled to began August 20, 2013
 - Penitentiary of New Mexico,
 - Western New Mexico Correctional Facility,
 - Guadalupe County Correctional Facility, and
 - Northeastern New Mexico Correctional Facility
- US Department of Justice has not yet released the list of DOJ certified auditors
- DOJ has 47 trained auditors to audit the approximately 3,473 prisons and jails nationwide
- PREA Resource Center, (PRC) indicating that in September 2013 it will announce the November 2013 training to certify 100 more auditors.
- The cost of a PREA audit is still undetermined.
 - DOJ estimate: approximately \$3,000 per facility.
 - PREA Resource Center estimate around \$6,000 per facility.
 - NMCD estimate \$10,800 per facility based on 128 hours of effort per audit.
 - Booz-Allen-Hamilton assessment: \$32,000 for a four-day audit
- Audit option explored by states
 - The formation of a consortium through the Association of State Correctional Administrators
 - ACLU of NM is to pass legislation requiring the State Attorney General to hire an auditor to audit state and county facilities

Tax Changes of Private Prison Facilities

- The Geo and CCA facilities applied for and received approval from the IRS to become real estate investment trusts (REIT)
- REIT are income producing properties part of a larger investment portfolio
- Revenues come principally from rental properties
- REITs receive special tax considerations and typically offer investors high yields, as well as a highly liquid method of investing in real estate
- Equity REITs invest in and own properties (thus responsible for the equity or value of their real estate assets)
- The high rate of distribution means that the holder of a REIT is significantly participating in the profitability of management and property within the trust

Tax Changes – Private Prison Facilities

- REITs can pay up to 100 percent, but must pay at least 90 percent of annual taxable income to shareholders from income producing real estate resulting in no corporate tax
- Shareholder dividends are taxed as personal income
- Unlike dividends, there is only one level of taxation for the distributions paid to investors
- New Mexico piggybacks of IRS Tax Code and REITs are treated as a pass through entity by TRD
- Impact to NMCD and Counties where Private Prisons are Located –
 - No change – the private prisons are considered a service provider so are taxed as such
 - NMCD pays gross receipts tax on the services received from private prisons
 - Private prisons are required to remit gross receipts tax to TRD
 - TRD is required to distribute the gross receipts tax to local governments

Strategic Planning

- Bottom-Up Planning Model in partnership with Quality New Mexico and based on the Malcolm Baldrige Model
 - Foundational Elements (March 13, 2012)
 - Core Values and Oath (Mission)
 - Strategic Objectives to Achieve Measureable Outcomes (June 21, 2012)
 - MAPs Created
 - Measurable Performance Outcomes (April 22, 2013)
 - Measured monthly using COMPSTAT Model – CORRSTAT

Cost Benefit Model

- NMCD staff attended PEW Results First Seminar – Denver July
- Pew Webinar to introduce NMCD staff to the current Cost Benefit Model
- Meeting with Pew to dig deeper into the Model
- NMCD continues to work with NMSC on best uses for the Model
- Discovered that data from other sources in the model need to be validated
- NMCD staff inventoried all programs offered in prisons of which 7 are evidence based
- Research and Analysis staff hired
- Working with LFC to get a better understanding of the Model and sources of non-NMCD data
- LFC working with NMCD and Pew on understanding NMCD data, program design and legal structure

Prison Staff Vacancies

Facility	Vacancy Rate November 2011	Vacancy Rate 2013	July	Changes Observed
PNM	23.03%	21.35%	↓	-1.68%
CNMCF	18.82%	18.31%	↓	-0.51%
SNMCF	18.70%	10.20%	↓	-8.50%
WNMCF	41.30%	32.40%	↓	-8.90%
SCC	30.56%	41.70%	↑	11.14%
RCC	31.48%	3.70%	↓	-27.78%

Probation and Parole Staff Vacancies

		November 2011 Vacancy Rate	July 2013 Vacancy Rate		Change
	Total FTE				
PPO	263	24.7%	26.6%	↑	1.9%
Supervisors	56	19.6%	7.1%	↓	-12.5%
Totals	319	44.4%	23.2%		-10.6%

PPD Caseload

Date	Total # of Offenders Supervised	PPO Caseload Range	PPO Caseload Average
Nov-11	13,319	90-130	120
1-Jul-13	16,431	90-130	108
Change Observed	3,112		-12

PPO Caseload Targets:

75 - General Caseload

40 to 45 - High Risk Caseload

Senate Bill 65 Update

- Provided for Medicaid for inmates immediately upon release from prison
- Did not suspend eligibility if incarcerated less than one year
- NMCD Actions
 - Working with HSD on MOU
 - Scheduling training for Recidivism and Probation and Parole Staff in Fall of 2013
 - Will have greater update at September hearing